Houston, William Robert, 1866 - 1940

June - Aug 1919

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Board

EDITORIAL DEPARTMENT.

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The Globe.

Toronto, Canada June 28/19

Sir Robert Falconer

Dear Sir

I enclose a copy of a letter I have sent to the Chancellor, whom I have informed that I am sending this to you. I have not sent a copy to any other member of the Board, because I have not put it into form to be regarded as a public application.

Yours truly

J. M. Gibson

Globe Office, Toronto, June 26th, 1919.

Sir William Meredith, LL.D.,

Chancellor.

Dear Sir:-

I observe that in the list of teachers in the Calendar of the University, the late Professor Lefroy occupied a dual position on the staff: he was entitled "Professor" of Jurisprudence and related subjects, and "Special Lecturer" in Federal, English, and Colonial Constitutional Law. If it is the policy of the Board of Governors to fill these two positions separately, I would like very much to have the privilege of doing the work in Constitutional Law. I have special reasons for desiring to teach this subject.

I had a great deal to do - much more than any one else - with securing its introduction into the curriculum of the new teaching Faculty of the University, under the Act of 1887. I felt greatly disappointed and discouraged when it was divorced in class room work from Constitutional History, because neither of these two subjects can be taught apart from the other. In order to maintain this conception alive, and at the same time provide a text book that students should be required to master for this purpose, I spent much time in unearthing, arranging, editing, and annotating the principal documents necessary to illustrate the development of the Constitution of the Dominion of Canada, and to exhibit it in its then final form.

I have still a very clear and grateful recollection of your accidental discovery of the fact that my "Documents" was then on the eve of publication, and of your offering several valuable suggestions for its improvement, in the event of a second edition being made necess-

ary by a growing demand for the book. It was then a pioneer work, but, looking back over thirty years I can see quite well that, in spite of its defects it has had a perennial influence on all subsequent treatment of Canadian History, and also of the History of the United States, where several analogous collections of American Documents soon afterwards made their appearance.

My book is now out of print, but I feel quite convinced that I am better qualified than any other person to eliminate its defects, incorporate useful alterations in its form, and embody in it the improvements which have been suggested by you and others, or have occurred to myself as the result of expanding knowledge of the subject, not to mention the modifications due to lapse of time and to the exigencies of a developing Dominion.

I need not dwell on the fact that the carrying out of this important undertaking in the best practicable way would be immeasureably facilitated by relating it intimately and continuously to class room work, in the course of which the whole process of production would be subjected to the test of discussion between a teacher who knows how to play the part of conductor and classes of bright adolescent or adult students. In the course of long and varied practice of the Socratic method of exposition, obtained through years spent in the "direction" of teachers' institutes, I have acquired an expertness which I find by observation is an extremely rare qualification among academic prelectors; to such a method of discussion, I need hardly remark, the practice of textual interpretation of documents against a background of current history of successive periods, quite naturally and culturally lends itself. Dogmatic teaching of this or of anyother subject is of comparatively little educational value in a University course of study, or even in a primary school.

It is quite pertinent to add that ever since the publication of the Canadian "Documents", I have been giving much attention, and devoting some work to the preparation of two other analogous collections; one of the essential "Documents" of the British Empire; the other of the "Documents" of the United States. I have learned that it would be easier to make favorable arrangements for the publication of three books in such a series than of any one of them alone, and it seems to me they would serve a very useful purpose by enabling the academicians of each country to become better acquainted with the political institutions of the other two. I have no reason to doubt that the editorial work on all three could be completed within the next two University sessions, and I do not think it presumptuous to believe that it would add distinction to even the University of Toronto if such a series were brought out under its auspices.

At my time of life, with physical powers and mental faculties as nearly as possible unimpaired, I believe that advancing years add to efficiency through lengthening experience; but I quite recognize that this condition cannot in the course of nature last very long. Owing to the regrettable passing of my friend, Professor Lefroy, this vacancy has occurred opportunely, but if I am not permitted to take advantage of it, I cannot reasonably look forward to any more incidents of the sort, and I must perforce abandon all idea of seeing my work completed as I want to have it done.

With apologies for what may easily seem to be a prolix exposition of the situation as I see it,

I remain a devoted worker for the welfare of the University.

Very truly yours,

J. Houston

Sir Robert Falconer LLD Globe Office, July 10/19 219

Dear Sir

I enclose a letter I have sent to Sir Edmund Walker, as I want to keep you advised about everything I do. The line is a little different from the one to the Chancellor, because the men are different, and because my relations to them respectively have not been identical.

While you are quite free to make any use you please of these letters, in talking to the recipients, I want the matter kept from becoming generally public.

Yours very sincerely

W. H. Houston

Toronto, July 6th, 1919.

Sir Edmund Walker,
Toronto, Ontario.

Dear Sir:-

At the time of his death the late Mr.Lefroy held two distinct positions on the teaching staff of the University of Toronto: (1) "Professor" of Jurisprudence, English Law, and Roman Law; and (2) "Special Lecturer" in Federal, English and Colonial Constitutional Law. The President informed me some time ago that he had in contemplation a plan of co-operation between the University and the Ontario Law Society under which provision might be made for the Professorship above mentioned. He said nothing to me at that time about the work in "Constitutional Law", and it was not until some time later that I became aware of the fact that Mr.Lefroy held a dual position. I then wrote to the President expressing my desire to get a chance to teach Constitutional Law as a "Special Lecturer", and giving my reasons for seeking the appointment. In a brief reply he spoke of my age as a possible obstacle, and in that connection mentioned Sir William Meredith as having fixed the age for professorial retirements.

I can quite understand that such an appointment might in the ordinary course of things cause the President embarrassment, but I think the circumstances are such that this one could not be drawn into a precedent. My reasons for desiring the position are briefly these:

1. I firmly believe I can do the work better than any other person, owing to my intimate acquaintance with the conditions that

led to Confederation, the nature of the process of constitutional evolution, the subsequent expansion of the Dominion by the annexation of British Columbia and Prince Edward Island; and the organization of the Hudson Bay Territory, by the creation of Manitoba, Saskatchewan, and Alberta, the enlargement of Quebec and Ontario, and the organization of the remaining part into "Territories".

2. I am strongly of the opinion that the Constitutional Law of Canada is inseparable from its Constitutional History, and that it is not merely unprofitable but injurious to try to separate them in tutorial work.

3. I hold the same opinion regarding the Constitutions of the United States and the United Kingdom respectively. The United States has a written Constitution that must be read in connection with a considerable number of preceding documents to be clearly intelligible. This remark applies even more forcibly to the British Constitution, which is not embodied in a single document, but must be explicated from a long series beginning at least as far back as the Charter of Henry 1, the precedent for the Magna Charta.

4. Thirty years ago I began to form a collection of "Documents illustrative of the Canadian Constitution." I spent many months in the work of discovering these documents, editing the texts in the interest of accuracy, supplying hundreds of references to save myself and others the laborious research work I had to perform, and arranging them in a suggestive sequence to lessen the work of the student. The pecuniary reward to myself was quite insignificant, as only a thousand copies, over and above those given gratuitously to advertise the work, were sold to the trade. The work is now out of print, but I am unable to secure the publication of a greatly

improved edition on which I have spent a good deal of labor. The work and salary of the special lectureship would enable me to effect the issue of the new edition.

5. I have done much of the work of preparing for publication like collections of "Documents" of the Constitutions of the United States and the British Empire respectively. I have good reason to believe that it would be easier for me to make a satisfactory arrangement for the three books in such an unprecedented series than for the Canadian one alone; and I feel sure that in view of the history of Europe, ~~America~~ and the Antipodean and African D$_o$minions during the past four years this would be a good time to put them before the people of the British Empire and the American Republic. I can absolutely assure you the books themselves would do no discredit to the University. Unless I can make some such arrangement I may as well conclude to call off the whole undertaking and look to some other means of eking out a scanty livelihood.

I cannot help feeling that during forty years of almost continuous ~~e~~effort to secure something like adequate consideration for Political Science in the University, I have been undeservedly baffle at every turn, and therefore I ought not to be surprised if this attempt to bring about reform even in a small way should be no more successful than dozens of others have been.

Yours very sincerely,

July 11th, 1919

William Houston, Esq.,
"The Globe",
Toronto.

Dear Sir, Houston:

I have just received your letter and the copy of the one to Sir Edmund Walker. As Sir Edmund will not be home till the end of August he will of course not be able to consider the matter. I may say, however, I feel it necessary to take almost immediate steps to have the position filled, and there are two young men of the Local Bar whose names are now being considered for the position.

Yours sincerely,

President.

EDITORIAL DEPARTMENT.

The Globe.

Toronto, Canada.

July 18th, 1919.

Sir Robert Falconer,

Toronto, Ontario.

Dear Sir:-

From the tenor of your note to me of the 11th instant I infer that it is the intention of the Board of Governors to hand over the teaching of "Constitutional Law" to a practising lawyer, thus perpetuating the separation of this subject from "Constitutional Custom and History" in class room work. This means that the reform I have been trying for forty years to effect in the University of Toronto is to be indefinitely deferred.

I deeply regret this for the sake of the students of the group of subjects to which "Constitutional Law" belongs; for the sake of the University of Toronto which is in a peculiarly advantageous position to induce, if not constrain, other academic institutions to improve their own courses and methods of study; and for the sake of the three countries - Canada, the United States, and the United Kingdom - which have a common interest in the study of the political institutions they have developed with substantial uniformity of character, but with interesting and instructive diversities of form.

To separate "Constitutional Law" from "Constitutional Custom and History", and assign it to a lawyer for teaching purposes, is to make it difficult to treat the subject from any other than a strictly legal point of view. There might be some justifi-

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cation for such an arrangement in a law course, but there is none whatever in a Political Science Course in a Faculty of Arts. The ideal of the latter should be not to train lawyers but to develope statesmen, publicists, and cultured citizens, and this can be accomplished only by requiring them to take up simultaneously the "Law, Custom, and History" of each Constitution, and make a textual study of the Muniment documents which are the milestones of its evolutionary progress.

In the present University curriculum the Constitutional History of England is taken up in two different years, the subject being arbitrarily and factitiously divided at 1485, instead of being treated as a whole in a single year. The Constitutional History of the United States, of which our own is in its federal form an adaptation is not specifically mentioned at all. The Constitutional History of Canada is taken up in the fourth year, whereas it should, from the viewpoint of inductive research, be taken up before either of the others as in the scheme which I have had under the Senate's consideration for two years past..

In this note I say nothing in detail of the course of action I intend to follow, but you may rest assured that I shall, more strenuously and persistently now than ever before strive to achieve a much needed and widely desired reform in a department of Arts work which is, in my opinion, second to no other in the Arts curriculum of the University.

I have the honor to be, your obedient servant,

Wm Houston

July 21st, 1913

Phillips Houston, Esq.,

"The Globe",

Toronto.

Dear Mr. Houston:

In the absence of Sir Robert Falconer, who is now away on his holidays, I beg to acknowledge the receipt of your letter of the 15th inst.

Yours sincerely,

President's Secretary.

Globe Office
August 8/19

Sir Robert Falconer

Dear Sir

I enclose a letter, which I would like to have returned to me. I send you this as a curious specimen of acknowledgements I have received in considerable numbers during the past many years. The service I was able to render to University students then, must have been during the interval 1885-87, for, after years of patient study, and futile effort to arouse the University Senate to take some action, I formulated a paid complete course of reading in 1885, in collaboration then called "Civil Polity" — a mere pendant or makeweight to "Metaphysics and Ethics"; and in 1887 the subject, chiefly because of my persistent advocacy, was included, the first in a degree disposition form, in the Political Science course of the Federated Universities. As there were no lectures till 1887 I did my best to supply the deficiency, inviting the students to the seminary

work with me at the Legislative Library, of which I then had charge. After federation I followed up my previous work by the research work embodied in my "Canadian Constitutional Documents". Needless to say the work of those four or five years was almost entirely remunerative in spite of its value, for my teaching was gratuitous, and the editorial work unprofitable pecuniarily. I may add that I have no personal recollection of Mr Cross, but you can learn more about the matter from Dr Dewson of the Presbyterian Publications, Professor Shaw, and Professor Tracy. I may add that my self imposed task of research included Jurisprudence, Constitutional and Practice or Custom, and Economic Science. Let me say, also, that without the long training which I have undergone in these and other ways I would not feel competent to guide others in the work of research, in which I had to plod all alone as a pioneer.

In answering the letter I shall say to Mr Cross that I do not know of any valuable work likely to prove very useful

to him, but that if he can come to Toronto for a few hours I can put him on a track that he may find useful in helping him to read two or three books I shall name to him. At present the most useful and compact things on the subject I can think of are Gladstone's well known essay on "Kin beyond the Sea", and President Wilson's Ph.D thesis in Johns Hopkins on "Congressional Government. These deal with Great Britain and the United States; the Canadian I can easily expound to a Canadian student in a comparatively short time.

I greatly desire to experiment on this vastly important subject to the young men and women of our own University, now that so favorable an opportunity offers. My doing so would not add a dollar to the cost of the course to the University, because the vacancy caused by Mr Lefroy's death exists. All the scope I need I can secure for myself under his title, with the

addition of
"and Custom" to "Constitutional Law".

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If would certainly be worth while to make the experiment in the University of Toronto for the sake of watching its effect on other Canadian Universities, and of those in the United States and the United Kingdom.

From this copy I was freed from the necessity of remaining in my present position I would at once devote all my spare time to bringing out a greatly improved edition of my "Documents", and a similar collection of documents for the United States and the British Empire. Situated as I am there is no chance to do this, and no one else seems to have any such scheme in mind, in spite of the impulse my previous work has given to the publication of inedited and unilluminated documents in the United States. On the need and value of such collections consult Lord Bryce who many years ago wrote me his opinion of such publications when he was passing through Port of Canada.

Yours truly
Wm Stanton

Huntsville, P.O. Ont.

Aug. 12 1919

Dear Mr Houston;

I am very glad to know that Dr Cross, a very distinguished graduate of Toronto now a professor in Rochester, and a gentleman whom I have often met, has such warm memories of the conferences he and others had with you in their student days. It must be to you a real satisfaction to get this letter of appreciation. I know also that your work on the Canadian Documents have been of the greatest service to many students and readers. Little as I know of the subject I have found it of great use to myself when I have had to look into matters dealing with our history.

With regard ro the chair in Roman Law however I feel that we must try to get some young man who will have a permanent position and develope the subject as his life's work. The lectureship in Federal Law has been temporarily filled through the appointment of Mr Clute, a very promising graduate.

Will you please excuse my type-writing as I am an amateur doing my work in northern Muskoka.

With kind regards I am yours sincerely